



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NORTHEAST REGIONAL OFFICE  
205B LOWELL STREET, WILMINGTON, MA 01887 978-694-3200

CHARLES D. BAKER  
Governor

KARYN E. POLITO  
Lieutenant Governor

KATHLEEN A. THEOHARIDES  
Secretary

MARTIN SUUBERG  
Commissioner

DATE: December 2, 2022

Municipality HAVERHILL  
(city/town)

RE: NOTIFICATION OF WETLANDS PROTECTION ACT FILE NUMBER

The Department of Environmental Protection has received a Notice of Intent filed in accordance with the Wetlands Protection Act (M.G.L. c. 131, §40):

Applicant: CITY OF HAVERHILL  
Address: 40 SOUTH PORTER STREET  
HAVERHILL, MA 01835

Owner:  
Address:

LOCUS: OLD GROVELAND ROAD

This project has been assigned the following file # : NE 033-1540

A FILE NUMBER ONLY INDICATES THAT THE APPLICATION CONTAINS THE MINIMAL SUBMITTAL REQUIREMENTS AND IS ADMINISTRATIVELY COMPLETE - NOT THAT THE INFORMATION IN THE APPLICATION IS ADEQUATE FOR ISSUANCE OF AN ORDER OF CONDITIONS.

Although a file # is being issued, please note the following:

This project cannot be issued an OOC at this time because it does NOT meet the performance standards for the issuance of an Order of Conditions pursuant to the rare species provisions of the WPA (310 CMR 10.59). For this project to proceed as proposed, the applicant will need to seek and receive a MESA CMP pursuant to 321 CMR 10.23. As provided in 310 CMR 10.37, 10.58(4)(b) and 10.59. When a project is proposed in Estimated Habitat, the issuing authority relies on the NHESP determination as to whether a proposed project will have any short- or long-term effect on the habitat of the local population of any state-listed wildlife species. Accordingly, when the NHESP makes a determination pursuant to 321 CMR 10.23

that a proposed project may proceed pursuant to a MESA CMP, this determination shall be presumed to satisfy the standard for no short- or long-term adverse effects pursuant to the WPA (310 CMR 10.05(6)(e) & 10.37 and 10.59.) [see MA DEP DWW Policy 06-1 (BRP/DWM/WWP 06-1)]. Therefore, issuance of an Order of Conditions (positive or negative) prior to the issuance of a MESA CMP is inconsistent with the rare wildlife species provisions of the WPA.

The NHESP will send a copy of the MESA CMP to the Commission upon issuance. The Commission is then free to issue an Order of Conditions subject to compliance with all conditions required under the MESA CMP.

ADDITIONAL REQUIREMENTS:

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD# 1-866-539-7622 or 1-617-574-6868.



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CITY OF HAVERHILL  
40 SOUTH PORTER STREET  
HAVERHILL, MA 01835

A Chapter 91 license may be required. Application and transmittal forms are available on the MassDEP website <http://www.mass.gov/eea/agencies/massdep/water/approvals/wetlands-and-waterways-forms.html#2>. For additional information, contact MassDEP Waterways Program by email at [dep.waterways@mass.gov](mailto:dep.waterways@mass.gov) or visit <https://www.mass.gov/waterways-program-chapter-91>.

A 401 Water Quality Certification (WQC) (314 CMR 9.00) may be required for this project. The project qualifies for 401 Certification under the Army Corps of Engineers General Permit for Massachusetts (MAGP), provided that the project meets certain conditions outlined in 314 CMR 9.03 and 9.04, and the conditions under MAGP. WQC information is available at <https://www.mass.gov/regulations/314-CMR-9-401-water-quality-certification> and MAGP information is available at <http://www.nae.usace.army.mil/Missions/Regulatory/StateGeneralPermits/MassachusettsGeneralPermit.aspx>.

401 WQC applications must now be submitted electronically through MassDEP's ePLACE online tool at <https://www.mass.gov/lists/water-quality-certification-forms-massdep>. MASSDEP WILL NO LONGER ACCEPT PAPER APPLICATIONS FOR THESE FILINGS. General instructions and visual ePLACE step-by-step instructions to assist in submitting your application are available online at <https://www.mass.gov/how-to/ww-10-11-major-minor-fill-and-excavation-projects>. and <https://www.mass.gov/how-to/ww-07-08-09-water-quality-certifications-dredging-projects>

Review under Section 404 may be required. (Call 1-800-362-4367 for information).

If you have any questions regarding this letter, please contact: ELIZABETH SABOUNJIAN @ (978)-694-3259

Cc: Haverhill Conservation Commission, City Hall 4 Summer Street, Haverhill, MA, 01830



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<http://www.mass.gov/dep>  
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